<div align="center">UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT</div>

UNITED STATES OF AMERICA,   )
   Plaintiff,   )
)
   v.   )   Docket No. 2:23MJ142
)
TIMOTHY GABRIEL,   )
   Defendant.   )

<div align="center">**MOTION FOR DETENTION**</div>

NOW COMES the United States of America, by and through its attorney, Nikolas P. Kerest, United States Attorney for the District of Vermont moves for pretrial detention of the above-named defendant pursuant to 18 U.S.C. § 3142(e) and (f).

1. <u>Eligibility for Detention</u>. This defendant is eligible for detention because the case involves

   a felony offense involving the possession or use of a firearm. *See* 18 U.S.C. § 3142(f)(1)(E).

   a serious risk that defendant will flee. *See* 18 U.S.C. § 3142(f)(2)(A).

2. <u>Reason For Detention</u>. The Court should detain the defendant because there are no conditions of release which will reasonably assure the safety of any other person and the community / the defendant's appearance as required.

3. <u>Rebuttable Presumption</u>. The United States will not invoke the rebuttable presumption against defendant under § 3142(e).

4. <u>Time For Detention Hearing</u>. The United States requests the court conduct the detention hearing upon completion of the pretrial services report.

5. <u>Other Matters</u>.

The defendant has a very serious criminal record that includes four felony convictions. The most recent felony conviction was for assault and robbery, for which Gabriel was sentenced to a lengthy term of imprisonment. His history includes violations of probation and violations of conditions of release. The day after this offense, Gabriel travelled by bus from Rutland to Burlington, where he was arrested. The state police learned that Gabriel had travelled to Burlington with the intention of leaving the state to avoid prosecution in this case.

Dated at Burlington, in the District of Vermont, October 19, 2023.

Respectfully submitted,

NIKOLAS P. KEREST
United States Attorney

By: /s/ Gregory Waples
GREGORY L. WAPLES
Assistant U.S. Attorney
P.O. Box 570
Burlington, VT 05402-0570
(802) 951-6725